

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

ANTONIO FULLER,

Petitioner,

v.

DWIGHT BARBEE, Warden,

Respondent.

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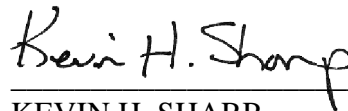
**No. 3:10-cv-01064
Judge Sharp**

ORDER

For the reasons explained in the Memorandum entered contemporaneously herewith, the Court rules as follows:

- (1) The petitioner's *Blakely* claims as set forth in claims three and four of the petition are hereby **DENIED**, and those claims are hereby **DISMISSED WITH PREJUDICE**. A certificate of appealability will not issue with respect to those claims.
- (2) The petitioner's motions for summary judgment (Docket Nos. 47 and 57) are hereby **DENIED** as the petitioner has failed to show that there is a genuine issue of material fact or that he is entitled to summary judgment as a matter of law.

It is so **ORDERED**.



KEVIN H. SHARP
UNITED STATES DISTRICT JUDGE